

Message Text

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FOR ASSISTANT SECRETARY SHLAUDEMANN

E.O. 11652: N/A
TAGS: NU, PINT, SHUM
SUBJECT: HUMAN RIGHTS REPORT

REF: TRANSMITTAL SLIP OF 12/16/76 FROM GOWEN TO THE AMBASSADOR

1. EMBASSY STRONGLY REGRETS DECISION OF ARA TO FORWARD HUMAN RIGHTS REPORT ON NICARAGUA TO D/HA AND FOR LATER RELEASE TO CONGRESS WITHOUT EMBASSY CLEARANCE. FOLLOWING ARE CORRECTIONS WE WOULD HAVE SUGGESTED.

2. I. POLITICAL SITUATION, PARA 3: ONLY SOME CONSTITUTIONAL GUARANTEES

ARE SUSPENDED AND ONLY IN SECURITY CASES. ALL MEDIA ARE NOT SUBJECT TO PRIOR CENSORSHIP. ELECTRONIC MEDIA ARE SUBJECT TO POST CENSORSHIP AND FINED IF FOUND IN VIOLATION.

3. II. LEGAL SITUATION, PARA 2: REFERENCE SHOULD BE MADE TO ANNOUNCED INTENT OF GON TO TERMINATE STATE OF SIEGE IN NEAR FUTURE (PROBABLY MID-JANUARY) AT END OF CURRENT COUNCIL OF WAR CONSIDERATION OF CHARGES. SEE MANAGUA 5858.

4. III. A., ARTICLE 5: NOT ALL DETAINEES HAVE BEEN ABUSED OR MISTREATED ALTHOUGH SOME UNDOUBTEDLY HAVE BEEN MISTREATED. THERE ALSO
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PAGE 02 MANAGU 05884 272233Z

ARE REPORTS FROM RELEASED DETAINEES THAT THEY HAVE NOT BEEN TORTURED. RE ARTICLE 8, DETAINEES ARE NOT SUBJECT TO SUMMARY COURT MARTIAL PROCEEDINGS. THEY ARE SUBJECT TO FULL COURT MARTIAL PROCEEDINGS INCLUDING RIGHT TO COUNSEL. IN THE CURRENT COURT MARTIAL PROCEEDINGS DEFENSE ATTORNEYS OBJECTED TO TWO MEMBERS OF COURT AS PREJUDICIAL (INCLUDING HEAD OF COURT) AND THESE WERE REPLACED (SEE MANAGUA 5798).

RE ARTICLE 9, EXPLANATORY COMMENT SHOULD BE ADDED TO INDICATE RURAL AREAS IN WHICH ARRESTS AND DETENTIONS HAVE TAKEN PLACE ARE PRIMARILY THOSE IN WHICH FSLN GUERRILLAS ARE ACTIVELY OPERATING. EMBASSY WOULD ESTIMATE TOTAL DETAINEES OVER PAST TWO YEARS COULD NUMBER AS MANY AS A THOUSAND RATHER THAN SEVERAL THOUSAND. RE ARTICLE 10, COURT MARTIAL PROCEEDINGS HAVE SCRUPULOUSLY FOLLOWED MILITARY CRITERIA FOR FAIRNESS. RE ARTICLE 88, COURT MARTIAL PROCEEDINGS HAVE BEEN CONSISTENTLY OPEN TO PUBLIC AND PRESS AS FAR AS WE KNOW.

5. III. B. A LEGITIMATE DISTINCTION CAN BE MADE BETWEEN THE PCN WHICH IS A LEGALLY CONSTITUTED POLITICAL PARTY AND UDEL WHICH IS NOT. IN ANY CASE, UDEL ORGANIZING ACTIVITIES APPEAR TO BE MEETING NO CURRENT HARASSMENT, AS LONG AS THEY COMPLY WITH LEGAL REQUIREMENTS FOR PUBLIC ASSEMBLY. PROHIBITION OF CHAMORRO TRAVEL ABROAD WAS BASED ON LEGAL PROCEDURES UNRELATED TO HIS OPPOSITION POLITICAL ACTIVITIES. SEE MANAGUA 5885. SUSPENSION OF CIVIL RIGHTS IN 1974 WAS BASED UPON NATIONAL LAW OF WHICH THE 27 UDEL MEMBERS WERE AWARE PRIOR TO ADVOCATING ELECTORAL ABSTENTION.

6. IV. OTHER REPORTING: NUMBER OF DETAINEES IS 36 RATHER THAN 500 ESTIMATE IN AMNESTY INTERNATIONAL ANNUAL REPORT AND, AS REPORTED, THESE SHOULD BE PROCESSED AND SENTENCED IN NEAR FUTURE REDUCING FIGURE TO ZERO.
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